

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No: 16-cv-03396-YGR

Case Name: **Ignacio Perez. Rash Curtis & Associates**

TRIAL SHEET, EXHIBIT and WITNESS LIST

JUDGE: Yvonne Gonzalez Rogers	PLAINTIFF ATTORNEY: Scott Bursor, Timothy Fisher, Yeremey Krivoshey, Blair Reed	DEFENSE ATTORNEY: Mark Ellis , Anthony P.J. Valenti and Lawrence Iglesias
TRIAL DATE: 5/6/2019	REPORTER(S): Diane Skillman	CLERK: Frances Stone

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		5/6/2019			Court Reporter: DIANE SKILLMAN	
		7:59am			Case called. Discussion with counsel	
		8:11am			Recess	
		8:13am			Discussion with counsel	
		8:15am			Recess	
		9:15am			Juror Panel enters courtroom for roll call	
		9:25am			Judge enters courtroom and voir dire begins	
		10:36am			Plaintiff attorney Scott Bursor voir dire of jurors	
		10:43am			Defendant attorney Mark Ellis voir dire of jurors	
		11:01am			Recess for Juror panel until 11:30am	
		11:03am			Recess for counsel	
		11:09am			Counsel and Court session out of presence of the juror panel re challenges	
		11:30am			Juror panel returns to the courtroom	
		11:35am			8 jurors seated and sworn. Remainder of panel excused.	
		11:36am			Court gives Preliminary Instructions to the Jury	
		11:51am			Plaintiff attorney Bursor Opening Statement	
		12:19pm			Defendant attorney Ellis Opening Statement	
		12:47pm			Court gives instructions to the jury. The Court reads Stipulated Facts on the record to the Jury.	
		1:02pm			RECESS for Jury for the day. Further Jury Trial 5/7/19 at 8:30am	
		1:16pm			RECESS for counsel for the Day. Counsel to be present at 8:00AM on Tuesday 5/7/19 for Jury Trial.	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		5/7/2019			Court Reporter: DIANE SKILLMAN	
		8:00am			Case called. Discussion with counsel.	
		8:13am			Recess	
		8:33am			Jury enters courtroom	
		8:34am			Plaintiff attorney Bursor calls witness Ignacio Perez for Direct	P
57C			X	X	One page sheet excel sheet with phone numbers, columns A-G	
		8:41am			Defendant attorney Ellis Cross of witness Perez	
57C			X	X	One page	
		9:21am			Witness excused from stand	
		9:22am			Court gives instructions to Jury regarding video deposition excerpts played in courtroom	
		9:23am			Plaintiff attorney Bursor calls witness Steven Kizer via video deposition excerpts	P
		9:25am			Discussion with counsel at bench	
		9:26am			Resume video deposition excerpts of Steven Kizer	
		10:09am			Video stopped	
		10:10am			Recess for Jury	
		10:11am			Discussion with counsel regarding person in the courtroom. Discussion with counsel re video deposition excerpts as to witness Kizer	
		10:28am			Recess for counsel for five minutes	
		10:33am			Discussion with counsel	
		10:35am			Jury enters courtroom	
		10:37am			Resume playing video deposition excerpts of witness Steven Kizer	
		10:53am			Plaintiff attorney Bursor offers exhibits that will be used in the video deposition of Daniel Correa	
8			X	X	admitted	
9			X	X	admitted	
10			X	X	admitted	
24			X	X	admitted	
26			X	X	admitted	
27			X	X	admitted	
29			X	X	admitted	
32			X	X	admitted	

EXHIBIT and WITNESS LIST CONTINUED

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
33			X	X	admitted	
57C			X	X	Previously admitted in evidence	
		10:59am			Plaintiff attorney Bursor calls witness Daniel Correa for Direct via video deposition excerpts played in the courtroom	P
26			X	X	email	
		11:27am			Plaintiff attorney Bursor calls witness Nick Keith via video deposition excerpts played in courtroom	P
8			X	X	Email 2/18/14	
9			X	X	Email 2/25/14	
10			X	X	Email 8/4/2015	
		11:51am			Finished Nick Keith video excerpts	
		11:52am			RECESS (15 minutes)	
		12:07pm			Jury enters courtroom	
		12:08pm			Plaintiff attorney Bursor calls witness Colin Weir for Direct	P
57A			X	X	Document	
57B			X	X	Document	
58A			X	X	Document	
58B			X	X	Document	
59A			X	X	Document	
59B			X	X	Document	
60			X	X	Document	
61			X	X	Document	
62			X	X	Document	
63			X	X	Document	
56A			X	X	One page of Table 4	
		1:30pm			Court gives the “do not” instructions to the Jury	
		1:32pm			Recess for Jury for the day	
		1:33pm			Discussion with counsel. The court indicates all the exhibits that were admitted into evidence today: Plaintiff: 57C, 8, 9, 10, 24, 26, 27, 29, 32, 33, 57A-B; 58A-B; 59A-B; 60, 61, 62, 56A and 63.	
		1:39pm			RECESS for the day for counsel. Further Jury Trial Wednesday, 5/8/2019 at 8:30am for Jury; 8:00am for Counsel.	

EXHIBIT and WITNESS LIST CONTINUED

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		5/8/2019			COURT REPORTER: DIANE SKILLMAN	
		8:00am			Case called. Discussion with counsel	
		8:01am			Recess	
		8:29am			Jury enters courtroom	
		8:30am			Plaintiff attorney Bursor resumes Direct of witness Colin Weir	
1			X	X	Previously admitted	
		8:33am			Defendant attorney Ellis Cross of witness Weir	
6			X	X	Admitted	
		10:01am			Recess for Jury	
		10:02am			Discussion with counsel regarding exhibits that defendant want to use.	
		10:13am			Discussion with counsel	
		10:18am			Jury enters courtroom	
		10:18am			Court gives information to the Jury	
		10:19am			Defendant attorney Ellis resumes Cross of witness Weir	
	608A		X		Document I'D	
	608D		X		Document I'D	
6			X	X	Previously admitted	
51			X	X	Document	
56B			X		I'D	
60			X	X	Document	
77			X	X	Document	
78			X	X	Document	
	539		X	X	Email 5/2/17	
	540		X	X	Document	
	541		X	X	Document (bates 00088)	
	543		X	X	Email 3/1/18	
	542		X	X	Email	
	545		X	X	Document	
	546		X	X	Document	
	547		X	X	Document	
	548		X	X	Email	
	549		X	X	Email	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
	550		X	X	Email	
	551		X	X	Email	
	564		X	X	Engagement Agreement	
		11:13am			Defendant completed Cross examination	
		11:14am			Plaintiff attorney Bursor Redirect of witness Weir	
78			X	X	Previously admitted	
		11:17am			Defendant attorney Ellis re-cross of witness Weir	
78			X	X	Previously admitted	
		11:19am	X	X	Witness excused from the stand	
		11:20am			Plaintiff attorney Bursor calls witness Anya Verkhovskaya for Direct	P
		11:21am			Break in proceedings	
		11:24am			Plaintiff attorney Bursor Direct of witness Verkhovskaya	
61			X	X	Previously admitted	
62			X	X	Previously admitted	
63			X	X	Previously admitted	
		11:46am			Recess (15 min)	
		12:00pm			Plaintiff attorney Bursor resumes direct of witness Verkhovskaya	
56A			X	X	Table 4	
		12:14am			Defendant attorney Ellis cross of witness Verkhovskaya	
	523		X	X	Document	
	533		X	X	Email 1/30/18	
	534		X	X	Email	
	535		X	X	Email	
	555		X	X	Spreadsheet excerpts	
	611A		X		One page I'D	
	611D		X		One page I'D	
	610A		X	X	Admitted	
	611A		X	X	Admitted	
	608A		X	X	Admitted	
	609A		X	X	Admitted	
		1:30pm			RECESS FOR JURY FOR THE DAY. Further Jury Trial 5/9/2019 at 8:30am for Jury	
		1:31pm			Discussion with counsel regarding exhibits.	
		1:56pm			Recess for Counsel for the day. Further Trial 5/9/2019 at 8:30am Jury; Counsel at 8:00am	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		5/9/2019			COURT REPORTER: DIANE SKILLMAN	
		8:00am			Case called. Discussion with counsel; exhibits discussed.	
		8:25am			Recess	
		8:27am			Jury enters courtroom	
		8:29am			Defendant attorney Ellis resumes Cross of witness Verkhovskaya	
	612		X	X	Multi-page document	
		9:19am			Witness excused from stand	
		9:20am			PLAINTIFF RESTS	
		9:21am			Defendant attorney Ellis calls witness Robert Keith for Direct	D
78			X	X	Previously admitted	
		9:58am			RECESS (15 min)	
		10:13am			Judge enters courtroom	
		10:15am			Jury enters courtroom	
		10:15am			Defendant attorney Ellis resumes Direct of witness Robert Keith	
	523		X	X	Previously admitted	
		10:23am			Plaintiff attorney Bursor Cross of witness Robert Keith	
89			X		Document – declaration of Robert Keith	
83			X	X	Email 5/5/16	
56A			X	X	Previously admitted	
		10:48am			Defendant attorney Ellis Redirect of witness Robert Keith	
		10:53am			Witness excused from stand	
		10:54am			Plaintiff attorney Ellis calls witness Daniel Correa for Direct	D
78			X	X	Previously admitted	
		11:17am			Plaintiff attorney Bursor cross of witness Correa	
56A			X	X	Previously admitted	
		11:25am			Defendant attorney Ellis Redirect of witness Correa	
		11:26am			Defendant attorney Ellis calls witness Nick Keith for Direct	D
78			X	X	Previously admitted	
		11:44am			Recess for Jury	
		11:45am			Discussion with counsel	
		11:45am			Recess	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		12:00pm			Plaintiff attorney Bursor cross of witness Nick Keith	
90			X		Declaration of Nick Keith	
56A			X	X	Previously admitted	
		12:14pm			Witness excused from the stand	
		12:15pm			Defendant attorney Ellis calls witness Chris Paff for Direct....break	
		12:16pm			Discussion with counsel at bench	
		12:17pm			Defendant attorney Ellis calls witness Chris Paff for Direct	D
78			X	X	Previously admitted	
	608D				No such exhibit on counsel list	
		12:32pm			Plaintiff attorney Bursor Cross of witness Chris Paff	
		12:33pm			Witness excused	
		12:34pm			Judge gives instruction to Jury	
		12:35pm			Recess for Jury for the day. Further Jury trial 5/10/2019 at 8:30am	
		12:36pm			Discussion with counsel re scheduling re jury instructions and exhibits.	
		1:00pm			Recess for the day for counsel. Further Jury Trial 5/10/19 at 8:30am for Jury; 8:00am for counsel	
		5/10/19			COURT REPORTER: DIANE SKILLMAN	
		8:00am			Discussion with counsel.	
					Defense Rests. No rebuttal case. Plaintiff rests.	
		8:07am			RECESS	
		8:20am			Discussion with counsel	
		8:27am			Jury enters courtroom.	
		8:28am			Judge gives Instructions to the Jury	
		8:53am			Plaintiff attorney Bursor Closing Statement	
		10:09am			RECESS (15 min)	
		10:25am			Jury enters Courtroom	
		10:25am			Defendant attorney Ellis Closing Statement	
		11:56am			Recess for Jury	
		11:57am			Recess for counsel	
		12:04pm			Discussion with counsel	
		12:06pm			Jury enters courtroom	
		12:06pm			Plaintiff attorney Bursor Rebuttal Statement	

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		12:26pm			Court gives final instructions to the Jury	
		12:31pm			Jury exits courtroom and begins deliberation	
		12:33pm			Discussion with counsel	
		12:37pm			Recess for counsel	
		1:30pm			Jury leaves for the day and will return Monday, 5/13/19 at 8:30am for Further Deliberation	
		5/13/2019			COURT REPORTER: DIANE SKILLMAN	
		8:25am			Jury resumes Deliberation	
		9:08am			Session with counsel (no jury present) regarding Phase Two re willfulness. Plaintiff counsel Krivoshey requests the Court to admit plaintiff exhibits 11, 80, 81 and 82 in the evidentiary presentation to the Court. Defense counsel Ellis indicates deposition designation excerpts of witness Steven Kizer be played for the Court: as to Dkt. No. 289, page 6 of 10: 1,2,13,22,24,25,26,27,28,29,30,31,32. Defense requests time before Phase Two hearing. Counsel to return at 10:00am today for presentation to the Court.	
		9:15am			RECESS for counsel	
		9:59am			PHASE TWO SESSION FOR THE COURT (NO JURY PRESENT)	
		10:00AM			Court has reviewed the deposition designations of defendant as to Steven Kizer.	
	542				Exhibit discussed: it is 1/2/18 email.	
		10:07am			Defendant attorney Ellis calls witness Robert Keith for Direct	D
		10:13am			BREAK in proceedings. Jury notified Court that they have reached a verdict. RECESS for Phase Two portion hearing	
		10:16am			Jury enters courtroom and confirms that they have reached a verdict.	
		10:17am			Verdict read. Unanimous	
		10:21am			The Court thanks and excuses the Jury. Jury Trial is completed.	
		10:27am			Jury excused and exits courtroom	
		10:28am			Court and counsel discussion	
		10:29am			RECESS for counsel	
		11:19am			RESUME PHASE TWO SESSION WITH COUNSEL AND THE COURT	
					Discussion with counsel	

